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OFFICE OF PETITIONS

**ARENT FOX LLP
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON DC 20036**

In re Application of:	:	
Randall SNYDER et al.	:	
Application No. 10/521,520	:	DECISION ON PETITION
Filed: February 23, 2005	:	
Attorney Docket No. 6783P104	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 24, 2010, to revive the above-identified application.

The petition is GRANTED.

The application became abandoned for failure to reply in a timely manner within the meaning of 37 CFR 1.113 to the final Office action mailed September 22, 2009, which set a shortened statutory period for reply of three (3) months. A reply was due on or before December 22, 2009, or on or before March 22, 2010 with the submission of an extension of time fee pursuant to the provisions of 37 CFR 1.136(a). A request for a three-month extension of time under the provisions of 37 CFR 1.136(a) was filed on March 22, 2010. However, as the amendment filed concurrently therewith could not be timely acted upon, the application became abandoned on December 23, 2009.

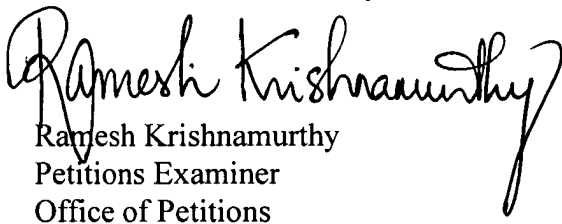
The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment, Request for Continued Examination (RCE), and the required fees; (2) the petition fee of \$810; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of September 22, 2009 is accepted as having been unintentionally delayed.

The \$555.00 extension of time fee submitted on March 22, 2010 will be credited to the Deposit Account 01-2300, as authorized.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Shahid Alam at (571) 272-6052 or in his absence to the undersigned at (571) 272-4914.

The application file is being referred to Technology Center AU 2617 for appropriate action on the RCE filed concurrently with the instant petition.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions